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SAVE BURNEY FALLS

37985 Clark Creek Road
Burney, CA 96013
530-335-3978

November 17, 2005

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Vernon A. Williams, Secretary
Surface Transportation Board (STB)
Case Control Unit, Suite 713
1925 K. Street, NW
Washington, DC 20423-0001

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Office of Proceedings

DEC 7 2005

Part of
Public Record



Re: McCloud Railroad Company – Abandonment and Discontinuance of Service Exemption – Entire Rail Line in Siskiyou, Shasta, and Modoc Counties, CA. **STB Docket No. AB-914X**

Dear Mr. Williams:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of SAVE BURNEY FALLS, which is a California non-profit 501 (c) (3) corporation organized in 1997 to advocate long-range community planning and promote careful growth to prevent community deterioration in the Burney Falls area. SAVE BURNEY FALLS is interested in conservation and recreation and is hereinafter referred to as "SBF."

While not taking a position on the merits of this abandonment, SBF requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization for an approximate five and one half (5.5) mile portion of the track. Specifically, beginning about one fourth (1/4) mile west of mile marker 54, at the point of intersecting California State Route 89 at Shasta mile post 24.00, and ending about three fourths (3/4) of a mile east of mile marker 60. This portion of track is at the southern end of the McCloud Railroad Company, which runs about 60 miles, starting from McCloud, California and terminating at Burney, California.

A. Public Use Condition

SBF requests the STB find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the McCloud Railroad Company from disposing of this section of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail, which would connect the communities of Burney and Johnson Park to the McArthur-Burney Falls Memorial State Park, to the Pacific Crest Trail and to Clark Creek Road which would allow access to PG&E and PSEA campgrounds. The time period sought is 180 days from the effective date of the abandonment authorization. SBF needs this much time in order to assemble and review property title information, organize and complete a trail plan, and commence negotiations with the McCloud Railroad Company and the four adjacent property owners. In conjunction with this section of the corridor, the California Department of Transportation (Caltrans) has a project approved to widen and realign California State Route 89, which will allow eight (8) foot shoulders, and the McArthur-Burney Falls State Park will have a new entrance. Both Caltrans and the State Park support the justification for this proposed trail.

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2. An order barring removal or destruction of potential trail-related structures, such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes, although it is believed that there are no listed structures in the section of the corridor, at this time. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, SBF also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. ~ 1247 (d), and 49 C.F.R. ~ 1152.29, Save Burney Falls is willing to assume full responsibility for management, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by the McCloud Railway Company.

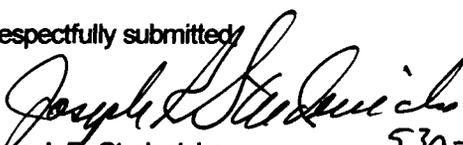
The property, known as the McCloud Railway Company, extends from about one-fourth (1/4) mile west of railroad milepost 54, at the point of intersecting California State Route 89 at Shasta milepost 24.00, to about three-fourths (3/4) of a mile east of railroad milepost 60. This is a distance of 5.5 miles in Shasta County, California. This property is a portion of the corridor of track at the southern end of the McCloud Railroad Company, which runs from McCloud, California and terminates at Burney, California. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-914X.

A map depicting the right-of-way is attached, as well as an aerial photo of the beginning and ending of the portion of the track indicated, and an aerial photo of the realignment of SR 89 and the new park entrance.

Save Burney Falls acknowledges that use of the right-of-way is subject to the users continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon McCloud Railway Company, 801 Industrial Way, P. O. Box 1500, McCloud, CA 96057, by US Mail, postage pre-paid, first class, this 17th day of November 2005.

Respectfully submitted,

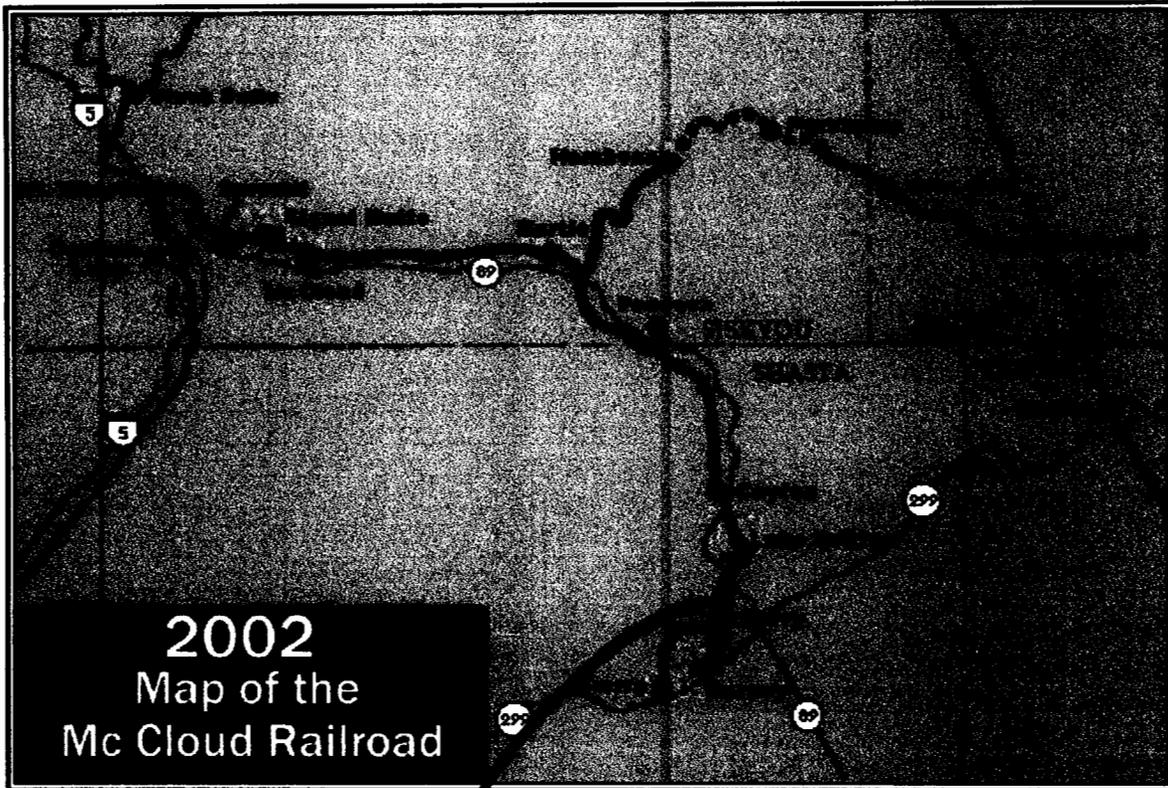

Joseph R. Studenicka 530-335-3978

On behalf of: Save Burney Falls

CC: Jeffery J. Swanson, Attorney at Law, 2515 Park Marina Drive, Suite 102, Redding, CA 96001

Map of the McCloud Railroad

Click on different areas on the Map to see pictures



PROPOSED TRAIL 5.5 MILES

Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 9 km NE of Burney, California, United States 01 Jul 1964

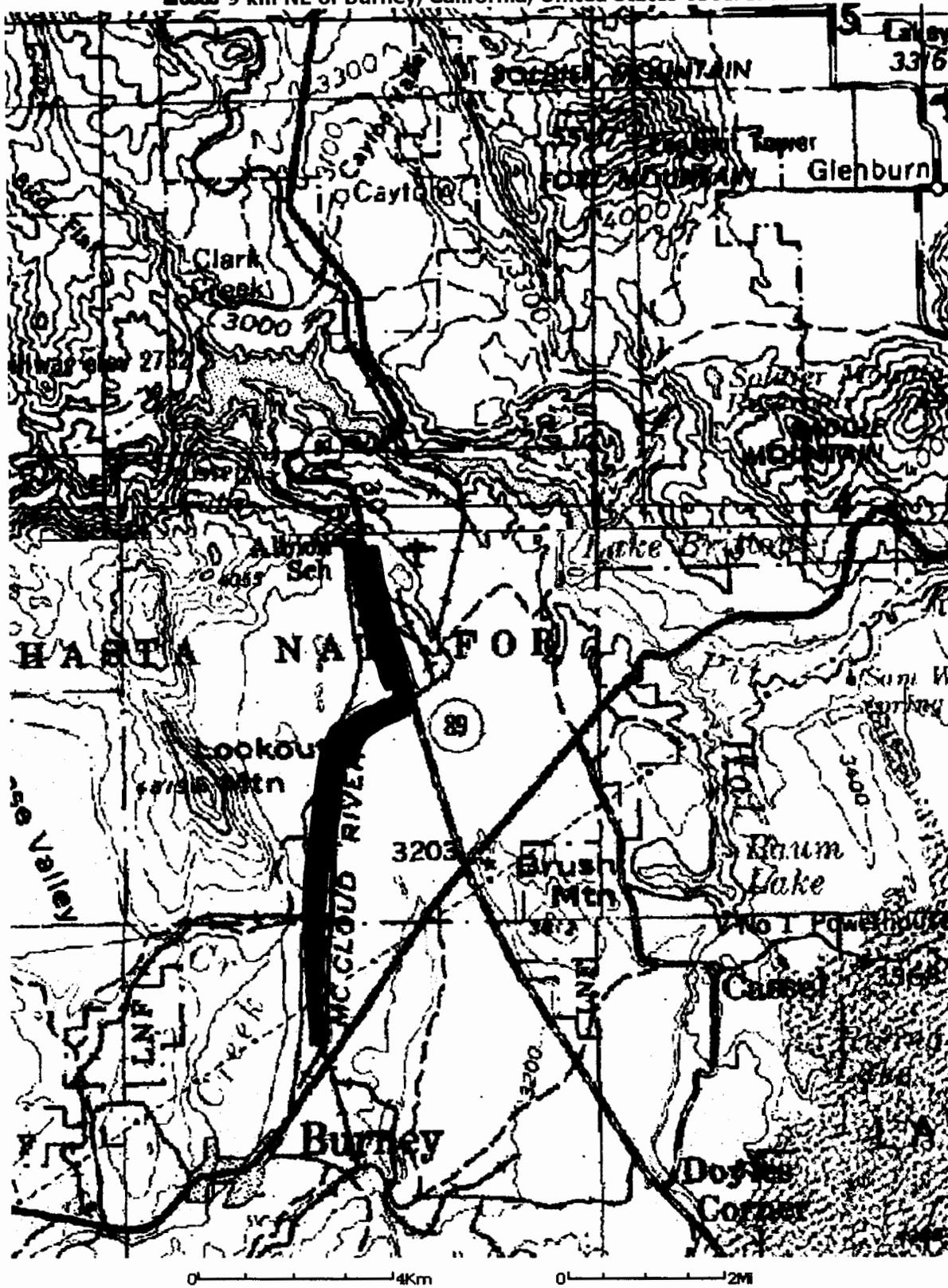
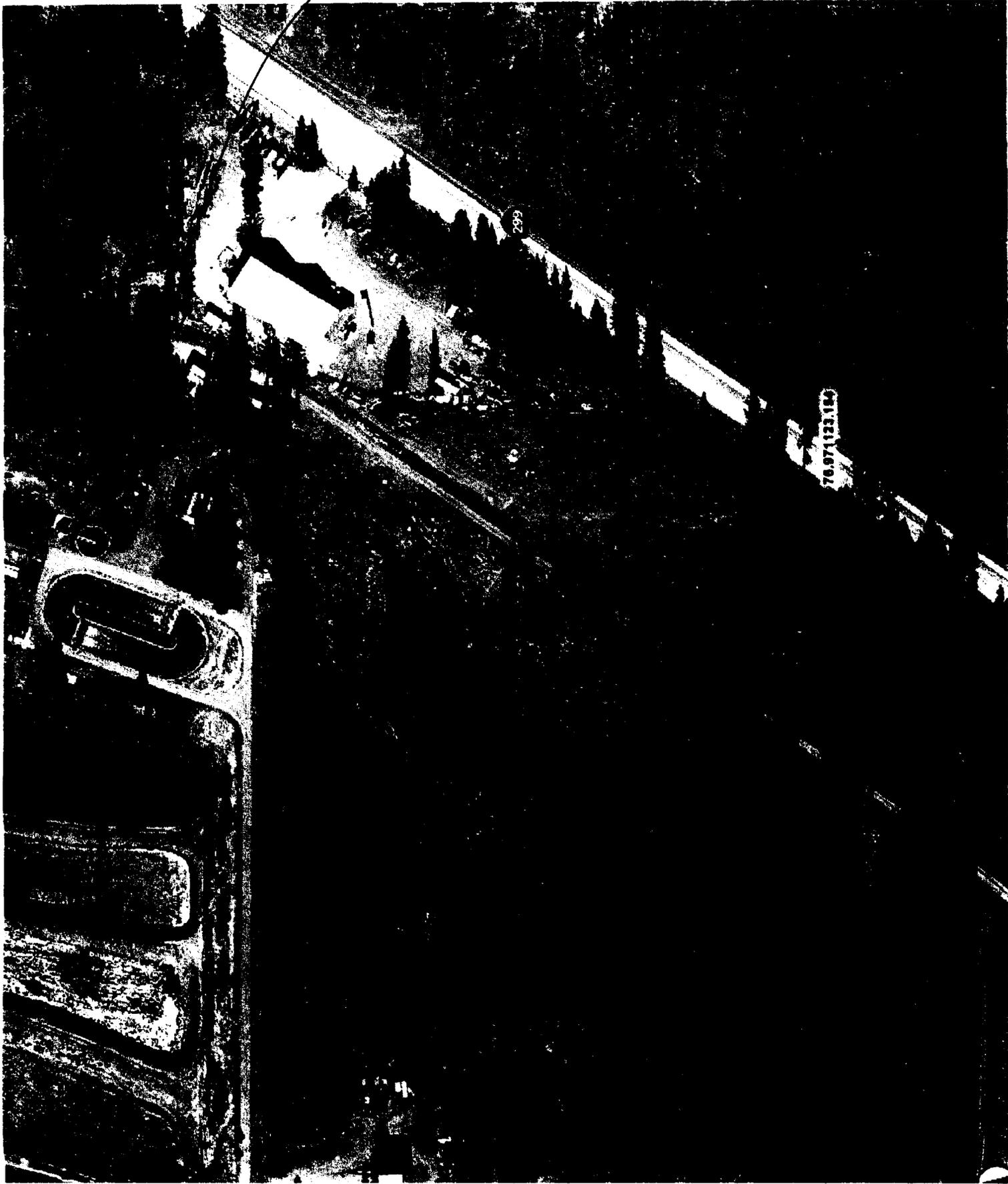


Image courtesy of the U.S. Geological Survey © 2004 Microsoft Corporation. Terms of Use Privacy Statement

 = PROPOSED TRAIL

Burney -- Beginning of proposed trail



JR 89 & McCloud RR track

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NEW PARK GARDEN



ASC 01/3/12

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